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December 4, 2020

**VIA ECF**

Hon. Analisa Torres  
U.S. District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*Re: Griffith v. Metropolitan Transit Authority - New York City Transit, et al.,*  
Case. No. 1:19-cv-06234-AT-KHP

Dear Judge Torres:

Pursuant to Rule 1(C) of Your Honor's Individual Practices, the parties respectfully and jointly request a thirty (30) day extension of time to submit Defendants' pre-motion letter in support of summary judgment with accompanying Statement of Material Facts pursuant to Local Rule 56.1, and Plaintiff's responses thereto, as required under Rule 3(C) of your Individual Practices. All parties consent to this request.

Per the Civil Case Management Plan and Scheduling Order ("CMP"), Defendants' pre-motion letter in support of summary judgment and Rule 56.1 Statement with Plaintiff's responses are due on December 14, 2020. *See* CMP ¶ 8. This request would extend this deadline through and including **January 13, 2021**.

The reasons for this request are multi-fold. First, to prepare the Rule 56.1 Statement, and to allow Plaintiff the opportunity to prepare her responses, both parties require copies of the deposition transcripts of the witnesses deposed during fact discovery. Today, the parties first received a copy of the deposition transcript of a non-party witness, Peter Miller, whom Plaintiff deposed on November 13, 2020. As of the filing of this letter, however, the parties have not received transcripts for the deposition of Defendant Jesse Seder, who was deposed on November 16, or for Plaintiff's second day of deposition, which took place on November 20. There is currently no estimated date of delivery for the transcript for Defendant Seder. We have been advised that the transcript for Plaintiff's second day of deposition will be available on or about December 8, 2020.

Second, Plaintiff has represented that she may have need to pursue follow-up discovery demands she raised during depositions. Fact discovery is closed as of November 30, 2020, but the



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parties continue to cooperate in resolving Plaintiff's requests. These documents are likely to impact the parties' respective Rule 56.1 Statements.

Third, the parties are scheduled to hold a settlement meet-and-confer session on December 10, 2020, as required by the CMP. *See* CMP ¶ 9. The parties believe that the meet-and-confer session will be more productive outside the shadow of a simultaneous pre-motion letter.

This is the parties' first request for an extension of time to file a pre-motion letter in support of summary judgment with accompanying Rule 56.1 Statement with Plaintiff's responses thereto.

Thank you very much for your consideration.

Respectfully submitted,

/s/ Gena B. Usenheimer


Gena B. Usenheimer

GRANTED. By **January 13, 2021**, the parties shall file their Rule 56.1 statement and pre-motion letters.

The case management conference scheduled for December 17, 2020, is ADJOURNED *sine die*.

SO ORDERED.

Dated: December 4, 2020  
New York, New York

  
\_\_\_\_\_  
ANALISA TORRES  
United States District Judge